

### **REMARKS**

Claim 4-32 are pending in this application. In the January 5, 2005 Office Action, the Examiner rejected claims 4-32 as obvious over Jeyaraman (U.S. Patent No. 6,311,187) in view of Nakamura (2003/0140136). Applicants respectfully traverse.

In a May 4, 2004 Final Office Action, the Examiner rejected then pending claims 4-32 as anticipated by Jeyaraman. In response, Applicants argued that the Examiner had improperly read the "predetermined time period" limitation in independent claims 1, 11, 20, 21, and 31 into the Jeyaraman reference. However, the Examiner has not responded at all to Applicant's argument, which is an implicit concession that Jeyaraman indeed does not teach "predetermined time period" at all. The Examiner cites to places in Jerayaman allegedly teaches the "transmitting means for transmitting said first difference information ... for reproducing the hierarchical structure of the directory at a predetermined time period...." Those cites are:

1. Fig. 4, box 408
2. col. 2, lines 13-16.
3. col. 14, lines 47-51.

Applicants respectfully submit that these cites do not make any mention of any time period let alone a predetermined time period.

The Examiner did not respond to Applicants' arguments regarding the "predetermined time period." By his silence on the issue, the Examiner has now improperly read the "predetermined time period" limitation completely out of the claims at issue.

In addition, the Examiner asserts that "wherein the predetermined time period being variably designated in accordance with operating state information of a receiving side" is disclosed at 120 in Fig. 1 and at col. 7, lines 19-24. The reference to Figure 1 is simply a depiction of an arrow indicating an "update request." No indication of any time

period variably designated in accordance with operating state information is even suggested in the drawing. The citation in Col. 7 states:

The above process is periodically repeated by the system in order to keep copies of the data on client s206, 208, 210, and 212 at least partially consistent with the data on server204. This updating process may repeated at any time interval from, for example, several seconds to many days.

This passage does not teach or suggest a "predetermined time period being variably designated in accordance with operating state information of a receiving side."

In the pending Office Action, the Examiner has conceded that Jerayaman does not teach "the step of collecting the state information by monitoring operating states of at least one of a receiving side." The Examiner claims however that Nakamura teaches this limitation and that it would have been obvious for one of ordinary skill in the art to somehow combine Nakamura with Jerayaman to yield the subject matter claimed in the present application. Applicants respectfully submit that the Examiner has not made a prima facie case of obviousness.

Even if Nakamura teaches what the Examiner claims<sup>1</sup> in exactly the manner stated by the Examiner, neither the references nor the Examiner teach or suggest that the "predetermined time interval [is] variably designated in accordance with operating state information of a receiving side." Applicants respectfully submit that the Examiner has resorted to hindsight analysis in combining Nakamura with Jerayaman.

Applicants respectfully submit that claims 4-32 are ready for allowance. Favorable reconsideration is respectfully requested. If there are any issues that the

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<sup>1</sup> Applicants do not agree that Nakamura teaches what the Examiner asserts.

Examiner believes may be addressed in a telephone conversation, the Examiner is urged to call the undersigned at his earliest convenience.

Respectfully submitted,

Dated: 5-4-08

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